

From: Ron Ralston
To: Microsoft ATR
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Subject: Microsoft Settlement

To Whom It May Concern:

I am strongly opposed to the settlement proposed in the Microsoft antitrust trial.

What is contained in that proposal provides neither adequate oversight and review to prevent recurrences of such actions in the future nor adequate penalties for those of the past.

Microsoft has been found to be a monopoly and to have used that position to illegally increase their fortunes at the expense of competitors, their own OEM customers, and the American public.

The proposed settlement seemingly accepts that Microsoft has behaved illegally, requires no meaningful compensation for their victims, and requires that they behave very slightly differently in the future - and then only on specific and enumerated products. This sort of settlement will do little to discourage Microsoft from similar activities in the future and will do nothing to keep them from using their vast financial resources to circumvent it.

The proposed settlement does not apply to any and all products, of any sort whatsoever, designed, manufactured, or marketed by any company either partially or wholly owned by Microsoft, its heirs, successors, or assignees, past, present, and future - it should. It does not require full and open disclosure of all APIs and file formats to developers of products which might compete with Microsoft products - it should. It does not prohibit the predatory practice of releasing Microsoft products which "cripple" competing products - it should. It does not prohibit software licenses which prohibit (or seriously restrict) packaging of non-Microsoft products by OEMs - it should. It does not prevent them from using their nearly absolute control of the end-user computer interface to sell other Microsoft products and services - it should.

Finally, the proposed settlement seems to allow Microsoft to provide second-hand computers to under-financed school systems and supply them with Microsoft software. This is amazingly inadequate for several reasons:

First, there is absolutely no shortage of used computers in this country. I've worked for computer manufacturers and I can assure you that used computers are next to impossible to give away to school districts - they want want current models. Private individuals, corporations, and government agencies scrap thousands of functional two or three year old computers daily and many of them end up in landfills because no home can be found for them.

Second, although the development cost of software is high, the manufacturing cost of the distribution media is negligible. The out-of-pocket cost to Microsoft for operating system and application software CDs is only a few cents each.

Lastly, the concept of a settlement which requires that Microsoft's punishment for monopolistic acts be to actually extend the monopoly to include new victims who have escaped it in the past because of lack of funds verges on the surreal.

Find a settlement which protects us from Microsoft and is so painful to them that they never think of acting illegally again.

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